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09/535,096

03/24/2000

J Andrew Goossen

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04/26/2006

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EXAMINER

NGUYEN, CAO H

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 04/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/535,096

Applicant(s)

GOOSSEN ET AL.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-38 and 41-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 35-38 and 41-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 35-38 and 41-59 rejected under 35 U.S.C. 103(a) as being unpatentable over Gough et al. (US Patent No. 6,072,489) in view of Frank et al (US Patent No. 5,651,107).

Regarding claim 35, Gough discloses in a computer system having a graphical user interface including a display, a method of displaying graphical representations on the display, the method comprising displaying a first window on the display wherein the first window is a layered window attributed with at least one layering property [..the overlaying window having been rendered translucent, the opaque window portion within the overlapping; see col. 4, lines 43-54]; displaying a second window on the display such that at least some portion of the second window overlaps and underlays the first window [topmost or active window is shown superimposing over a portion of a lower window; see col. 8, lines 13-57]; blending the first and second windows such that the portion of the second window which overlaps the first window is at least partially visible to a user [translucent window which translucently is superimposed over

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the opaque window in the overlap region of the two windows, and a gadget bar including a wand icon for transforming the overlay window between opaque and translucent states; see col. 4, lines 48-54]. However, Gough fails to explicitly teach wherein the blending step includes attributing an opaqueness value to at least the first window; and wherein the opaqueness value is an integer having values between approximate 0 and 255.

Frank discloses wherein the blending step includes attributing an opaqueness value to at least the first window; and wherein the opaqueness value is an integer having values between approximate 0 and 255 [..wherein the top obscures windows which it overlays, the alpha value of a window is set to 1 whenever a window is visible, and a 0 where it is obscured; see col. 7, lines 45-64 and figures 5-7]. It would have been obvious to one of ordinary skill in the art, having the teachings of Gough and Frank before him at the time the invention was made, to modify the overlaying window having been rendered translucent of Gough to include the opaqueness value is an integer, as taught by Frank. One would have been motivated to make such a combination in order to utilize a transparency mechanism to present information, such that the user can “see through” certain window to view underlying data and processes that would normally be obscured.

Regarding claim 36, Gough discloses, wherein the first and second windows are displaying according to an order (see col. 10, lines 14-60).

Regarding claim 37, Gough discloses, wherein the order is a display order (see figure 3a-3e).

Regarding claim 38, Gough discloses wherein the display order is a z order (see figures 3f-3h).

Regarding claim 41, Gough discloses wherein a first of the windows has a first display order and a second of the windows has a second display order, and wherein the second display order is greater than the first display order (see col. 14, lines 21-61).

Regarding claims 42, Gough discloses a computer having a memory, an operating system and a central processor, the computer system being operable to execute the steps recited (see figures 1-5a).

Regarding claim 43, Gough discloses displaying a first of the two or more objects on the display [display screen with a pair of overlapping non-translucent, i.e., opaque windows, shown on one portion of screen. Window is produced by a first application program "APP#1," and window is produced by a second application program "APP#2." Wand icon is effective for transforming either of windows or the images which may reside in the respective windows between opaque and translucent states. The topmost or "active" window is shown superimposing over a portion of lower window; see figure 3b]; displaying a second of the two or more objects on the display such that the second object overlaps and underlays the first object (see col. 8, lines 30-57); blending the first and second objects such that the portion of the second object which overlaps the first object is at least partially visible to a user [..The user can accordingly work with the underlying opaque window with the image operations and cursor movements desired, and as though the overlay translucency did not even exist except visually to the user; see figure 3i]. However, Gough fails to teaches a receiving a user selection signal indicative of the user interface selection device pointing to the overlapping portion of the first and second objects. Frank teaches a user selection signal indicative of the user interface selection device pointing to the overlapping portion of the first and second objects, similar to

that of Gough. In addition, Frank further teaches processing the user selection as indicative of a selection of the underlying portion of the second object [..Frank: see col. 10, lines 23-31]. It would have been obvious to one of ordinary skill in the art, having the teachings of Gough and Frank before him at the time the invention was made, to modify displaying a first of the two or more objects on the display of Gough to include processing the user selection as indicative of a selection of the underlying portion of the second object, as taught by Frank. One would have been motivated to make such a combination in order to utilize a transparency mechanism to present information, such that the user can “see through” certain window to view underlying data and processes that would normally be obscured.

Regarding claim 44, Gough discloses wherein the first and second objects are displayed according to an order and wherein the first object is attributed a higher order than the second object (see figures 3g-3i).

Regarding claim 45, Gough discloses, wherein the order is a z order (see figures 10).

Regarding claim 46, Gough discloses, wherein the blending step includes attributing an opaqueness value to at least the first object (see figures 3c-3d).

Regarding claim 47, Frank discloses, wherein, wherein the opaqueness value is an integer having values between approximately 0 and 255 (see col. 2, lines 56-67).

As claims 48-49 are analyzed as previously discussed with respect to claims 43-46 above.

Regarding claim 50, Gough discloses in a computer system having a graphical user interface including a display and a user interface selection device, a method of animating window objects on the display, the method comprising obtaining a window object to be displayed on the display (see col. 18, lines 18-30); however, Gough fails to explicitly teach

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attributing the window object a variable translucency, compositing the window object with any underlying objects, and varying the translucency of the window object to create an animation of the window object. Frank teaches varying the translucency of the window object to create an animation of the window object (Frank: col. 5, lines 8-62). It would have been obvious to one of ordinary skill in the art, having the teachings of Gough and Frank before him at the time the invention was made, to modify obtaining a window object to be displayed on the display Gough to include varying the translucency of the window object to create an animation of the window object, as taught by Frank. One would have been motivated to make such a combination in order to utilize a transparency mechanism to present information, such that the user can "see through" certain window to impart a resolution of displaying window that would normally be obscured.

Regarding claim 51, Gough discloses wherein the window object is representative of menu, the method further comprising the steps of retrieving a set of menu entries for the menu; displaying the set of menu entries, receiving a menu entry selection signal indicative of the user interface selection device pointing at one of the menu entries, displaying a visual indication of the menu entry selection; blending the visual indication of the menu entry selection and any underlying graphics such that the visual indication of the menu entry selection progressively fades until it is no longer visible (see col. 18, lines 54-67).

Regarding claim 52, Gough discloses a method in a computer system for displaying two or more overlapping bitmaps on a computer display, the method comprising redirecting any overlapping portions of a first of the two or more bitmaps to one or more underlay buffers (see figures 3a-3f); and compositing a second of the two or more bitmaps with the overlapping

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portions of the first object bitmap (see col. 19, lines 3-30); and displaying the composited second bitmap and any non-overlapping portions of the first bitmap (see col. 19, lines 38-65).

As claims 53-56 are analyzed as previously discussed with respect to claims 46-47 above.

Regarding claims 57-59, Gough discloses displaying a visual indication of the window object, wherein the varying steps includes adjusting the translucency of the window object such that the visual indication of the window object progressively fades in until it is fully non-translucent (see figures 10).

Response to Arguments

Applicant's arguments filed on 04/14/06 have been fully considered but they are not persuasive.

The claims have been reconsidered and discussed as above.

Accordingly, the claimed invention as represented in the claims does not represent a patentable distinction over the art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO-892).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (571)272-4053.

The examiner can normally be reached on 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571)272-4048. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Cao (Kevin) Nguyen
Primary Examiner
Art Unit 2173

04/25/06